

EXHIBIT D

DONNA K. SOUTTER v. EQUIFAX INFORMATION SERVICES
VICARI, PAMELA on 08/28/2013

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 RICHMOND DIVISION

4 DONNA K. SOUTTER, for herself
5 and on behalf of all similarly
6 situated individuals,

7 Plaintiff,

8 v.

Civil Action No.
3:10-cv-00107

9 EQUIFAX INFORMATION SERVICES,
10 LLC,

11 Defendant.

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DEPOSITION OF PAMELA VICARI

16

17

August 28, 2013

18

Richmond, Virginia

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HALASZ REPORTING & VIDEOCONFERENCE

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1 Q Well, I'll give you this overview then.

2 We represent a woman named Donna Soutter who has sued
3 Equifax alleging that Equifax reported in her credit
4 report to potential creditors that she had a judgment
5 that was unpaid when it turned out that she had --
6 that judgment had been vacated. Her judgment was in
7 the Richmond General District Court. She is
8 attempting to represent other people who she contends
9 have similar set of circumstances. Equifax is denying
10 a number of the allegations in the case, all the ones
11 that are really hotly contested, and LexisNexis is the
12 vendor who provides that information to Equifax. The
13 statute that we're suing under is called the Fair
14 Credit Reporting Act, which relates to credit reports
15 obviously.

16 A Okay.

17 Q So let's start with some basic biography
18 as it pertains to your job. When did you get into --
19 when did you first get into the records gathering
20 business?

21 A About 12 years ago.

22 Q And how old are you now?

23 A I'm 51.

24 Q And what did you do before you got into
25 the records gathering business?

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1 A I don't. I'm assuming it's probably four,
2 five years ago, but I could be wrong. Could be
3 longer.

4 Q How many general district court
5 jurisdictions or counties or cities are you
6 responsible for today?

7 A Ten.

8 Q Can you name them for me?

9 A I can. I do Hanover, Henrico --

10 Q You've got to go slow for me.

11 A King William, King and Queen, Essex, New
12 Kent.

13 Q It's so much more comforting than
14 Ms. Christian. I've heard of these.

15 A Charles City, Gloucester, Middlesex,
16 Mathews. I think that was ten. Is that ten?

17 Q Yes. While we have you here, which of
18 these ten have computer terminals that you can access
19 to obtain judgment information?

20 A All of them.

21 Q And how long have you had these ten as
22 your assigned territories?

23 A Probably -- I'm trying to remember if I've
24 had all of them for the whole time. I don't believe I
25 have. Probably all of them, about eight years.

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1 Q That takes me where I need to be.

2 A Okay.

3 Q And since 2007, have any of these
4 jurisdictions during the period January 2007 to
5 present, have any of these jurisdictions not had
6 access to the computer terminal as a way to obtain the
7 judgment information?

8 A From 2007 till now?

9 Q Yes.

10 A I don't know. I was doing this from home
11 on LOPAS, so I didn't go into the general district
12 court area to see if they had computers. New Kent,
13 they did not have a public access computer. I asked
14 them, requested one and they put one in I would say
15 less than a year ago they put one back in there.

16 Q Can you tell me what LOPAS is?

17 A LOPAS was a computer system that they had
18 set up with the Supreme Court and you could dial into
19 it in the morning and it would put you on to their Web
20 site and you could go into any court in the state and
21 get any record information that you needed.

22 Q And it would give you the same information
23 that would have otherwise been available if you were
24 actually at the computer terminal?

25 A Correct.

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1 years or so, would be to look at new judgments?

2 A Correct.

3 Q Correct?

4 A Correct.

5 Q You were never asked by Choice Point or
6 LexisNexis to go back and regularly check previous
7 judgments to determine if they had been satisfied or
8 vacated?

9 A Not that I recall.

10 Q But if you were to do that, so, for
11 example, if LexisNexis were to say check the judgments
12 entered in 2007 in King and Queen County to update
13 their status to determine whether they've been
14 satisfied or vacated, you could have done that in
15 LOPAS; you could have gone back and looked at those
16 2007 judgments?

17 A If they wanted me to do that, it would
18 have taken days because you would have to go back to
19 each and every day and see if there was a court date
20 and see if there was a judgment and write all of those
21 down and then go back and then look again to see if
22 they were satisfied.

23 Q I'm not criticizing you at all.

24 A I know.

25 Q You did everything you were supposed to

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1 Q Let me try it this way: Using your
2 earlier example you were picking up a May 1 or May 2
3 court date and you were to look at that May 2 court
4 date and there was a judgment entered.

5 A Correct.

6 Q The consumer may have appealed that
7 judgment or the debtor may have appealed that
8 judgment; correct?

9 A Correct.

10 Q Is there or was there a procedure at
11 LexisNexis for handling or determining whether or not
12 the debtor has appealed a judgment?

13 A Right now we have to wait 45 days before
14 you can collect any judgment. By that time, if it has
15 been appealed, it's no longer there, it's been taken
16 up to circuit court so we would not see that appeal
17 judgment.

18 Q What do you mean you wouldn't see it?

19 A When they appeal a judgment, it goes up to
20 circuit court and they take it out of the system.

21 Q Well, you could still search for the case
22 number; right?

23 A You can search for the case number. It
24 says appealed on the bottom on some of them and you
25 can ask for a copy if you'd like a copy. But in the

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1 example of Henrico, they'll let me go through their
2 files and it's no longer in the file.

3 Q Well, let's talk about today. Can you
4 tell me which of the courthouses you previously listed
5 as yours provide you access to the original or hard
6 copy judgments?

7 A Henrico.

8 Q Is that the only one of your ten
9 courthouses where you obtain the judgment information
10 by hard copy as opposed to computer?

11 A Correct.

12 Q So what you're saying is with Henrico
13 County, if a judgment has been appealed, the hard copy
14 would not be in the stack that you would examine?

15 A Correct.

16 Q But for the rest of the jurisdictions, it
17 would still be in the computer?

18 A On the bottom of the computer screen is a
19 space where it would tell you that it was appealed.

20 Q And then if you saw that, what would you
21 do with it?

22 A I would not type it.

23 Q At all?

24 A Never.

25 Q Henrico also has computer terminals?

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1 A They do.

2 Q You may just choose to look at the hard
3 copies; correct?

4 A I look at the hard copies because for me
5 it's my largest court and I would be monopolizing the
6 computer and there's several people that need to use
7 them.

8 Q Is there any material difference in the
9 data that you are able to obtain using hard copy
10 versus computer?

11 A No.

12 Q It's materially the same process; yes?

13 A Correct.

14 Q And that materially was the same process
15 when you were using the LOPAS system?

16 A Correct.

17 Q Just now you have to drive to the
18 courthouses; right?

19 A Correct.

20 Q So you testified that currently the policy
21 is to wait 45 days before you pick up appeals;
22 correct?

23 A Not before I pick up appeals. Before I
24 pick up a judgment.

25 Q Before you pick up a judgment?